

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANDRE ANDERSON,

Plaintiff,

- against -

SARENA TOWNSEND, Individually,  
RUBEN BENITEZ, Individually, DEION ISLAR,  
Individually, CHRISTOPHER DIXON, Individually,  
and NEW YORK CITY, New York,

Defendants.

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MEMO ENDORSED

Case No. 21 Civ. 03569 (LAK)

**NOTICE OF MOTION**

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 01/19/2022

**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law in Support of Plaintiff's Motion for Reconsideration of the Court's November 17, 2021 Memorandum Opinion granting Defendants' Motion to Dismiss entered on the same date, the Declaration of Amy L. Bellantoni with annexed exhibits, and all pleadings and prior proceedings herein, Plaintiff will move pursuant to Rule 59(e), Rule 60(b), and Local Civil Rule 6.3 at the Daniel Patrick Moynihan United States Courthouse at 500 Pearl Street, New York, New York 10007 on a date and time to be determined by the Court, for an Order: Plaintiff, Andre Anderson ("Plaintiff"), submits the within motion for (1) reconsideration of the Court's November 17, 2021 Memorandum Opinion concerning Plaintiff's post-deprivation Due Process claim, Fourth Amendment claim, and the decision to grant Defendants qualified immunity, pursuant to Federal Rule of Civil Procedure 59(e), 60(b), and Local Civil Rule 6.3 and reinstatement of such claims and reinstatement of the Complaint and such claims; and (2) leave to file an amended summons and complaint to identify Commissioner Vincent Schiraldi in his official capacity, an 'official capacity' claim against the existing Defendants, and declaratory relief claim to accompany Plaintiff's existing claim for

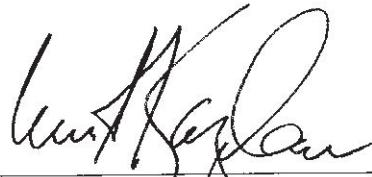
Memorandum Endorsement

Anderson v. Townsend, 21-cv-3569 (LAK)

The motion for reconsideration and for leave to file an amended complaint is denied in all respects. This order is without prejudice to the filing, on or before February 2, 2022, of a motion for leave to file an amended complaint, provided, however, that any such motion shall include the proposed amended complaint and a redlined copy of that proposed pleading showing changes from the previously dismissed complaint.

SO ORDERED.

Dated: January 19, 2022



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Lewis A. Kaplan  
United States District Judge